

VILLAGE OF BREWSTER
BOARD OF TRUSTEES
Draft Minutes

The Board of Trustees of the Village of Brewster is holding a Regular Meeting on May 2, 2007 at Village Hall, 208 Main Street, Brewster, New York. The meeting is called to order at 7:30 P.M. by Mayor Degnan

Attendees:

Mayor: John Degnan
Trustees: James Schoenig, Yoshihiko Ito,
Terri Stockburger
Village Engineer: John Folchetti,
Village Counsel: Gary Kropkowski
Clerk & Temporary Treasurer: Peter Hansen

Absent:

Deputy Mayor and Trustee: William Banks

Pledge to flag.

Mayor Degnan motioned to open the meeting, trustee Schoenig seconded, Vote 4-0 in favor.

- 1) Public Comment
 - a) None
- 2) Code Enforcement Report
 - a) Robert Serino – The Code Enforcement report was presented to the Board of Trustees.
 - b) Several key issues were discussed including:
 - i) Mr. Zarzeski's records of inspection, none found. May be still in his possession.
 - ii) Desire to incorporate Rental registration process
 - iii) Obtaining a list of known multiple dwelling units.
 - iv) Inspection program of grease traps in order to eliminate excess grease in the WWTP.
 - v) Modifications pending to zoning and land use.
 - vi) Boarding House regulations – Village Attorney to check and report back.
 - vii) Inspection of Stormwater drainage sources finding their way into sanitary sewer system. This is unacceptable and must be remedied promptly. Inspect dwellings for Sump pumps and roof drainage emptying into sanitary sewers. This is prohibited by law. Stormwater is a separate drainage system from Sanitary Sewer and must remain so.
 - viii) Mr. Castelli suggested using water consumption data as an indicator of possible overcrowding conditions.
 - ix) The general comments regarding the performance of Mr. Serino as Code Enforcement Officer were very positive. Mr. Serino has come up to speed very quickly and is proactive in creating and maintaining systematic inspections and enforcement. The Board and the public thanked Mr. Serino for his efforts.
 - x) Mayor Degnan motions to set a Public Hearing for May 16th at 7:30 PM to adopt Uniform Law 1203, Trustee Schoenig seconds, Vote 4-0 in favor.
 - c) After review and discussion, the Mayor motioned to accept the Code Enforcement report, Trustee Schoenig seconds, Vote 4-0 in favor.
- 3) Request for Waiver of Moratorium
 - a) None
- 4) Energy Costs
 - a) Comprehensive review

- b) Recurring awareness
 - c) The Mayor directs the Clerk to contact NYSEG engineer Craig Lincoln and get in touch with NYSEERDA to evaluate areas for conservation and cost savings. These consultancies will be at no cost to the Village.
- 5) Budget Revisions – Tabled until May 16th 2007
- 6) Voucher Approval - \$160,118 – Mayor Degnan motions to approve vouchers, Trustee Schoenig seconds, Vote 4-0 in favor.
- 7) Billing Schedule (Water, Sewer, Refuse,)
- a) Clerk is directed to propose a billing schedule for water, sewer, and refuse to the Board of Trustees. Use cash flow requirements and try to work around existing tax bill due dates so as not to stress short-term financials of residents.
- 8) Financial Committee – Mayor appoints Rick Stockburger to the Finance Committee to work with Clerk/Treasurer Pete Hansen and remain apprised of the Village's financials. Trustee Ito seconds, Vote 4-0 in favor.
- 9) Annual Water Report – Mayor motions to authorize the issuance of the annual water report as presented by Water Superintendent Dan Crawford, Trustee Schoenig seconds, Vote 4-0 in favor. Clerk is also directed to publish public notice of the report's availability in Village offices and post the annual report on the Village web site.
- 10) Stormwater Phase II Year 4 Report – Village Engineer John Folchetti presents the 4th yearly report on Stormwater.
- a) Rick Stockburger questions the mapping of the outfall locations. Mr. Folchetti provided a thorough overview and explanation of the GPS map.
 - b) Mr. Priest questioned the extent of the partnership with Brewster Schools. Mr. Folchetti responded that the schools may participate in a learning experience using the existing geographical constructs. Further, Mr. Folchetti explained the benefit of having more "feet on the street" to keep the Village apprised of changes, or conditions that may affect MS4 degree of compliance. Mayor Degnan added that the Village is in regular contact with the Superintendent's office and the Science chairs of the Middle and High School. Additionally, the Brewster Schools and other schools in the region are encouraged to work with the NYC Department of Environmental Protection laboratory located on Marvin Avenue in the Village.
 - c) Ms. Piccini requested an accounting of the debris types found during the April 2007 earth day clean up. Mr. Folchetti explained that information will be contained in next year's report. This report covers 2006.
 - d) Mr. Gress asked how often the Stormwater catch basins were cleaned? Mr. Folchetti explained that the frequency of cleaning the catch basin is in direct relation to the amount of debris on the ground prior to a storm event. By keeping the grounds clean our catch basins have not needed to be cleaned and it is estimated that if we can keep performing at the same level catch basins may only need to be cleaned once every 2-4 years. This will save the Village money by reducing the cost of maintenance. Further the Town of Southeast is being helpful by running their street sweeper through the Village at least once a year at the close of winter when the roadways have the most debris.
 - e) Mayor Degnan asked that some corrections be made to the report including the public comments and some typographical errors and presented again for approval of the Board of Trustees.
- 11) Wastewater Collection System Laterals: Bond Resolution
- a) Contingent Award - tabled until May 16, 2007
- 12) Set Public Hearings
- a) Sewer Rent – set Public Hearing for June 6th.
 - b) Utility Gross Receipts Sales Tax set Public Hearing for June 6th

- c) The Mayor expects a large crowd at the next Village Board of Trustees meeting and would like to keep the calendar clear for the expected resident participation. Therefore all Public Hearings are moved to June 6th, 2007.

13) Cameras

- a) Leasehold improvement with concurrence of Sprague Inn (landlord) – The Board advised Mr. Stockburger, who is managing the initial camera installation at 31 Main, to speak with the Landlord before mounting the cameras on the outside of the building.

14) Authorization of Serial Bond.

- a) Mayor Degnan explains that this Bond will provide the authorization to enter into and contract and proceed with the lateral connection (a.k.a. House Sewer connections) project valued at \$4,437,700 U.S. Dollars in the event DEP fails to provide the promised funding. The Mayor states that NYC DEP is currently slated to provide \$3,200,000 toward the project.
- b) Trustee Ito questions why there is no reference to NYC DEP funds. The Mayor says that NYC DEP does not appear on any of the previous Bond Resolutions either. Trustee Ito questions the language of the Bond issue; specifically whether we can amend the language from only Village assessables to “and or user fees.” The consensus is; no, the only thing backing the bond issue is the value of real property assessables within the Village. Trustee Ito would like the language to reflect a term longer than five years. The mayor says this an authorization for bond issue, it doesn’t mean we have to use any or all of it and when it comes time to make the decision on how the finance will be issued there will be additional discussion and the opportunity for changes.
- c) Christine Piccini questions whether the 1.2 Million Village portion is a guaranteed amount. The Mayor says no, it isn’t. We have the possibility to obtain increased contributions from the City of New York. The Mayor will also be meeting with United States Congressional representatives to explore alternate avenues of funding as the Wastewater Treatment Project is of benefit to the surrounding environment as well as the health and safety of our residents.
- d) Trustee Stockburger motions to approve the WWTP Bond Resolution, letter from Birmingham dated April 30, 2007, Trustee Schoenig seconds, Vote 4-0 in favor.
 - i) Terry Stockburger – Aye
 - ii) James Schoenig – Aye
 - iii) Yoshihito Ito – Aye
 - iv) John Degnan – Aye
 - v) Bill Banks – Absent

EXTRACT OF MINUTES

Meeting of the Board of Trustees

of the Village of Brewster, in the

County of Putnam, New York

May 2, 2007

* * *

A regular meeting of the Board of Trustees of the Village of Brewster, New York, was held at the Village Hall, 208 Main Street, Brewster, New York, on May 2, 2007 at 7:30 o'clock P.M. (Prevailing Time).

There were present: John Degnan, Mayor;

Trustees: James Schoenig
Teresa Stockburger
Yoshihiko Ito

There were absent:

Trustee: William Banks

Also present: Peter B. Hansen, Village Clerk

* * *

Trustee Stockburger offered the following resolution and moved its adoption:

BOND RESOLUTION OF THE VILLAGE OF BREWSTER, NEW YORK, ADOPTED MAY 2, 2007, AUTHORIZING THE CONSTRUCTION OF VARIOUS IMPROVEMENTS TO THE VILLAGE SEWER SYSTEM, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,437,700, APPROPRIATING SAID AMOUNT THEREFOR, AUTHORIZING THE ISSUANCE OF \$4,437,700 SERIAL BONDS OF SAID VILLAGE TO FINANCE SAID APPROPRIATION, AND AUTHORIZING ANY FUNDS TO BE RECEIVED FROM THE CITY OF NEW YORK OR ANY OTHER SOURCE TO BE EXPENDED TOWARDS THE COST OF SAID OBJECT OR PURPOSE OR REDEMPTION OF THE VILLAGE'S BONDS OR NOTES ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS OR NOTES.

THE BOARD OF TRUSTEES OF THE VILLAGE OF BREWSTER, IN THE COUNTY OF PUTNAM, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Board of Trustees) AS FOLLOWS:

Section 1. The Village of Brewster, in the County of Putnam, New York (herein called "Village"), is hereby authorized to construct various improvements to the Village sewer system, consisting of the installation of lateral sewer lines and building connections from the new sanitary sewer pipe stubs to individual buildings, including the installation of approximately 30,300 linear feet of 4 and 6 inch diameter PVC sewer, 1,200 liner feet of 8 inch diameter PVC sewer main and all original furnishings, equipment, machinery, apparatus, other paving, fencing, restoration, demolition, facility

connections and all appurtenant and other work related thereto and in connection therewith. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and to the financing thereof, is \$4,437,700 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$4,437,700 serial bonds of the Village to finance said appropriation, and the levy and collection of taxes on all taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable. Any funds received from the City of New York or from any other source in connection with such project are authorized to be applied towards the cost of said project or redemption of the Village's bonds or notes issued therefor, or to be budgeted as an offset to the taxes for the payment of the principal of and interest on said bonds or notes.

Section 2. Serial bonds of the Village in the principal amount of \$4,437,700 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 4. of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of said bonds may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to

reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village without limitation of rate or amount. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining debt service and Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Village Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in "*The Putnam Press*," a newspaper having a general circulation in the Village and hereby designated the official newspaper of said Village for such publication.

* * *

The adoption of the foregoing resolution was seconded by Trustee Schoenig and
duly put to a vote on roll call, which resulted as follows:

AYES:

Trustee Schoenig – Aye
Trustee Stockburger – Aye
Mayor Degnan - Aye
Trustee Ito - Aye

ABSENT:

Trustee Banks

NOES:

The resolution was declared adopted.

CERTIFICATE

I, PETER B. HANSEN, Village Clerk of the Village of Brewster, in the County of Putnam, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Board of Trustees of said Village of Brewster duly called and held on May 2, 2007, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Board of Trustees and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the
corporate seal of said Village of Brewster
this 2nd day of May, 2007.

(SEAL)

Official Copy on File in Clerk's Office
Village Clerk

15) New Business –

- a) Mayor Degnan and Trustee Ito met with NYC DEP to discuss allowances, capital reserve, deed transfer, budget for house connections, parking structure, and provided a special use permit application and fee to NYC DEP submitted with drawings.
- b) Trustee Stockburger would like to buy smoke stations and recycle bins for the Main Street project in addition to the Trash Cans and planters already authorized. The budget will support this expenditure. Mayor Degnan moves to authorize the expenditure up to \$2,000.00, Trustee Schoenig seconds, Vote 4-0 in favor

16) Public Comment

- a) Ms. Piccini: where does re zoning stand? Mayor advises that Mr. Hollis should have something tangible for us on or about the end of June, 2007.
- b) Ms. Piccini stated that parking notices on Garden Street are unclear. Trustee Ito said the Code update committee would be reviewing all signage within the Village and resolve any discrepancies should they exist.

17) Adjourn – 9:20 PM - Mayor Degnan motions to adjourn, Trustee Schoenig seconds, Vote: 4-0 in favor.